

9/27/2013

Mr. Edward Ziegler
Naval District Washington
Public Affairs Officer

Dept Of the Navy (OPNAV) PA/FOIA Policy Office
Freedom Of Information/Privacy Act Request
Date Received: 10-4-13 Statutory due date: 11-1-13
DON PA/FOIA/consult Tracking Number: 2014F00001 9
Acknowledgement date: _____

Dear Mr. Ziegler:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request the following information.

_ All documents and reports referencing unsafe working conditions at Naval District Washington. This request includes but is not limited to reports of unsafe working conditions relating to radio/communication equipment maintained by the police and firefighter departments of Naval District Washington. This request also encompasses specific written reports/correspondence from 2009 to the present complaining of faulty radio communication. That correspondence includes but is not limited to complaints raised by (b) (6) (b) (6) IAFF Local 121.

_ Copies of FOIA requests submitted to, and any and all responses from, Naval District Washington from September 16, 2013 to the present date.

_ Copies of emails in the inbox and outbox of Rear Admiral Markham K. Rich containing any of the following search terms, from September 16, 2013 to the present: "radios," "radio," "delay," "delay," "security," "staffing," "concern," "problem," "Alexis," "Aaron Alexis."

I would like to receive the information in electronic format.

I am making this request as a reporter with The Associated Press and this request is made as part of newsgathering and not for commercial use. As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages.

I ask that you waive any and all applicable fees associated with this request. Through this request, I am gathering information concern the response from Naval District Washington to a September 16 shooting at the Washington Navy Yard. Release of this information is in the public interest because it will contribute significantly to public understanding of government operations and activities, particularly how police, firefighters and other staff responded to the mass shooting.

If you deny this request for a fee waiver, please advise me in advance of the estimated charges if they are to exceed \$100.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the Act. I will also expect you to release all segregable portions of

otherwise exempt material. I reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I also ask that you provide expedited review of this request which concerns a matter of urgency. The information sought relates to a currently unfolding story, specifically, the response to a mass shooting at the Washington Navy Yard on the morning of September 16, 2013. The request obviously concerns federal government activity, as the request seeks information equipment used and maintained by Navy firefighters. Finally, as the world's oldest and largest news organization, the AP is a credible requester. I certify that my statements concerning the need for expedited review are true and correct to the best of my knowledge and belief.

If you deny expedited processing, I expect to receive a response to the request within 20 business days, as the statute requires.

As I am making this request as a journalist and the information is of timely value, I would appreciate your communicating with me by telephone, (b) (6) rather than by mail, if you have questions regarding this request

Finally, I note that President Obama's January 21, 2009 "Presidential Memorandum for the Heads of Executive Departments and Agencies on the Freedom of Information Act" specifically stated that "[i]n responding to requests under the FOIA, executive branch agencies should act promptly and in a spirit of cooperation, recognizing that such agencies are servants of the public." Moreover, it held that "[a]ll agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA."

In the spirit of such cooperation and the presumption of disclosure, I look forward to your prompt response.

Thank you for your assistance.

Sincerely,

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